

Appl. 10/601,828

Reply to Office Action of December 14, 2004

Amendment Dated June 14, 2005

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIGS. 3C and 3D. This sheet, which includes FIGS. 3A, 3B, 3C and 3D, replaces the original sheet which also included FIGS. 3A, 3B, 3C and 3D. In FIG. 3C, reference numeral "112" has been replaced with reference numeral --100--. In FIG. 3D, the upper left occurrence of reference numeral 112 has been replaced with reference numeral --100--.

Attachments: Replacement Sheet

Annotated Sheet Showing Changes

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REMARKS

In the pending Office Action, the Examiner rejected claim 18, under 35 U.S.C 112, second paragraph, claims 1, 16 and 18 under 35 U.S.C. 102(e), claims 1, and 16-19 under 35 U.S.C. 103(a). Pursuant to this amendment, claims 1, 17 – 19 and 32-53 are now pending in the application. Claims 2 – 16 and 20 – 31 have been cancelled without prejudice. The applicants respectfully submit that the foregoing amendments to the specification, drawings and claims are fully supported by the application as originally filed and no new matter has been added. Therefore, entry of the foregoing amendments is respectfully requested.

Oath/Declaration

The applicants respectfully submit that the intention of the applicants when the declaration filed in this application was signed that the "was filed on" box should have been checked, as assumed by the Examiner. As such, the applicant respectfully submits that the Declaration is inherently proper.

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Drawings

The applicants have amended FIGS. 3C and 3D to replace reference numeral "112" in both instances with reference numeral --100--. Corrected and Replacement drawings have been submitted herewith.

Specification

As shown in the foregoing amendments, the applicants have amended the specification according to the Examiner's suggestions.

Claim Rejections - 35 USC § 112

The Examiner has rejected claim 18 as being indefinite under 35 U.S.C. 112, second paragraph. In particular, the Examiner states that the recitation of the "thickness" is vague and indefinite as to what "thickness" is being set forth. Accordingly, the applicants have amended claim 18 to recite that the "thickness" is the "the overall thickness of the die cutting apparatus." The applicant respectfully submits that the amendment to claim 18 clearly defines the "thickness" recited in the claim.

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Claim Rejections - 35 USC § 102

The Examiner has rejected claims 1, 16 and 18 as being anticipated by Johnson (U.S. Patent No. 6,658,978) under 35 U.S.C. 102(e). In light of the amendments to claim 1 herein, the applicants respectfully submit that Johnson does not teach the claimed invention. Specifically, there is no teaching or suggestion in Johnson that the covering is "disposed over said back surface of said at least one metal base portion and substantially covering said perimeter sides of said at least one metal base portion." The applicant's thus respectfully submit that claim 1 is not anticipated by Johnson and is patentable over this reference.

Likewise, new independent claims 40 and 47 have similar language that is neither taught nor suggested by Johnson. Specifically, claim 40 recites "a housing disposed over said back surface of said metal plate and at least partially covering said perimeter sides of said metal plate." Claim 47 recites, "a covering disposed over said back surface of said at least one metal base portion and substantially covering said perimeter sides of said at least one metal base portion." The "covering" (as purported by the Examiner) of Johnson lacks such structure and therefore cannot anticipate claims 1, 40 or 47. As such, the applicants respectfully submit that claim 1, 40 and 47, and all claims depending there from are not anticipated by Johnson.

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Claim Rejections - 35 USC § 102/103

The Examiner has rejected claims 1, 16, 18 and 19 as being anticipated, or in the alternative, obvious as being obvious over Sarka et al. (U.S. Patent No. 3,863,550) under 35 U.S.C. 102(b) or 35 U.S.C. 103(a). In light of the amendments to claim 1 herein, the applicants respectfully submit that Sarka et al. neither teaches nor suggest the claimed invention. Specifically, there is no teaching or suggestion in Sarka et al. that the covering is "disposed over said back surface of said at least one metal base portion and substantially covering said perimeter sides of said at least one metal base portion." The applicant's thus respectfully submit that claim 1 is neither anticipated nor rendered obvious by Sarka et al. and is patentable over this reference.

As previously discussed, new independent claims 40 and 47 include claim elements similar to claim 1 that are neither taught nor suggested by Sarka et al. Specifically, claim 40 recites "a housing . . . at least partially covering said perimeter sides of said metal plate." Claim 47 recites, "a covering . . . substantially covering said perimeter sides of said at least one metal base portion." Sarka et al. lacks any such teaching and therefore cannot form a basis for a rejection under Section 102 or Section 103. As such, the applicants respectfully submit that claim 1, 40 and 47, and all claims depending there from are neither anticipated nor rendered obvious by Sarka et al.

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CONCLUSION

The Examiner is welcome to call the attorney of record, Frank W. Compagni, at (801) 478-0071 if further discussion of this matter is warranted. Any fees due hereunder may be charged to Deposit Account No. 50-0881.

Respectfully Submitted,



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